

Docket No. DE 2305.02 US  
USSN: 09/866,337

PATENT  
Art Unit: 2872

### **REMARKS**

Claims 1 and 3-20 are pending in the present application.

This Amendment is in response to the Office Action mailed September 21, 2004. In the Office Action, the Examiner rejected claims 1 and 3-17 under 35 U.S.C. § 103.

Applicant has amended claims 1, 3-5, 8-15, 17, cancelled claims 6-7, 16, and added claims 18-20. Applicant submits that the newly added claims introduce no new matter. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### **I. REJECTIONS UNDER 35 U.S.C. § 103**

The Examiner rejected claims 1, 3-14, and 16-17 under U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,113,387 issued to Goldsmith et al. ("Goldsmith"), in view of U.S. Patent No. 4,870,268 issued to Vincent et al. ("Vincent"). The Examiner also rejected claim 15 under U.S.C. § 103(a) as being unpatentable over Goldsmith in view of Vincent, and further in view of U.S. Patent No. 6,256,283 issued to Fukakusa et al. ("Fukakusa"). Applicant respectfully traverses the rejections for the following reasons.

Goldsmith discloses a write laser beam that is reflected at a 90° angle by a first reflector (Col. 11, lines 11-13, Fig. 4) and the output beam from the read laser is reflected at 90°, passes through two additional reflectors (Col. 11, lines 34-36, Fig. 4). Unlike the present invention, Goldsmith does not disclose the reflecting of

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the first and second lights to an identical optical axis are at different angles and at different timing.

Vincent discloses a glass plate coated on two sides with two dichroic layers to split an incoming beam into three spatially and spectrally separated beam. Vincent also discloses three substantially equally spaced dichroic layers to produce three substantially parallel optical beams that are both spatially and spectrally separated. Furthermore, Vincent discloses that a substantially transparent optical support medium is supported by a spacers that are attached to a substrate device having either a totally reflective surface, or a surface coated with another dichroic layer to provide a specified spectral range to be reflected from a surface... (Col. 19, line 42 to Col. 15, line 30). Vincent, however, does not disclose the reflecting of the first and second lights to an identical optical axis are at different angles and particular at a different timing.

Fukakusa discloses various combinations of two light sources contained in one package (Col. 23, lines 27-28). Nowhere in Fukakusa that discloses the reflecting of the first and second lights to an identical optical axis are at different angles.

Goldsmith, Vincent, and Fukakusa, taken alone or in any combination, do not disclose, suggest, or render obvious reflecting the first and second lights to an identical optical axis at different angles. This aspect of the invention is recited in the specification on page 2 (lines 25-27), page 5 (lines 8-21), Fig. 3, and in amended claims 1, 11, 12, 14 and 17.

Therefore, Applicant believes that independent claims 1, 11, 12, 14, 17, and their respective dependent claims are distinguishable over the cited prior art

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references. Accordingly, Applicant respectfully requests the rejections under 35 § 103(a) be withdrawn.

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### **CONCLUSION**


In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: November 22, 2004

  
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